EXPLANATION OF

21

فروع الفقه

Ibn Al-Mibrad

Shaykh Ahmad Musā Jibrīl

May Allāh (سبحانه وتعالى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه وتعالى) keep him sincere, and continue to shower his life and da'wah with His blessings, and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allāh make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allāh facilitate the completion of this Sharh and shower him with His aid always and forever.

SH_AHMAD_JIBRIL

SH_AHMAD_JIBRIL

T.ME/AHMAD_MUSA_JIBRIL

SHAYKH AHMAD MUSĀ JIBRĪL

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بسم الله الرحمن الرحيم

الحمد لله رب العالمين، والعاقبة للمتقين، والصلاة والسلام على عبده ورسوله وخليله وصفوته من خلقه، نبينا وإمامنا وسيدنا محمد، وعلى آله واصحابه ومن سلك سبيله واهتدى بهداه الى يوم الدين، اما بعد:

Recap

We're on the author's statement,

والفاحش من غيرهما

Previously, we spoke for several weeks on the nullifiers of Wudū', and we said that the author said there were 8.

والنواقض في الطهارة الصغرى ثمانية: الخارج من السبيلين

He said there is 8 nullifiers of Wudū', the first one he mentioned is الخارج من السبيلين, anything exiting from the two private parts. We spoke about that for several weeks. We gave examples and matters that fall under that.

The second nullifier of Wudū' according to the author is والفاحش من غيرهما, and that's where we'll start off today inshā'Allāh. What exits from other than the two private parts that's repulsive.

والفاحش من غيرهما

Nullifier #2 – والفاحش من غيرهما

There are two very important Masā'il under this statement.

1. The first one is the discharge of feces and urine from other than the private parts. What we've been discussing before is the discharge of feces and urine *from* the private parts. Now, it's the discharge of feces and urine (Najāsah, clear Ijmā' Najāsah) from other than the private parts.

   And this is a very common Mas'alah, more common than people think or know. Many people have birth defects or endure medical procedures like ostomy, which is a surgical procedure in which they make a hole to allow the stool and urine to leave the body through the belly. That's when they put a pouch on the side. They basically make a new exit route for the urine and feces. The exact spot where

they make the hole usually depends on why they're doing the surgery, and it's very common, may Allāh سبحانه وتعالى protect you and guard you from something like that. It could be from cancer or medical conditions, or sometimes people are born like that, with medical issues. Sometimes it's permanent, sometimes it's not.

- The first opinion on matters like that is what Hanafiyyah and Hanābilah mentioned, that it nullifies the Wudū'. They didn't place any restrictions. Meaning, they didn't restrict whether the hole is above the stomach (the belly area) or below it, or if the private parts are sealed or not, or if it's temporary or not, as you're going to see in the second opinion. This Rājih opinion says that the discharge of feces and urine from anywhere nullifies the Wudū'. They used the verse, first of all,

أَوْ جَآءَ أَحَدٌ مِّنكُم مِّنَ ٱلْغَآئِطِ

"If anyone of you defecates, if anyone of you discharged stool" — which is in the context of the nullifiers of Wudū' in the verse, in the Qur'ān. They use that verse, they also use the Hadīth, the Hadīth that we mentioned several times for several issues (mainly for the Khuff) — Hadīth in Sunan An-Nasā'i and At-Tirmidhi — Hadīth Safwān Ibn 'Assāl رضي الله عنه where he said they were with the Messenger (ﷺ) on a journey. Safwān said he told us not to take our Khuff off for three days, except in the case of Janābah, not from defecation, urinating or sleeping.

How, and in what context, do they use that Āyah and the Hadīth to prove that feces and urine discharged from the body, from other than the private parts, also nullifies the Wudū'? They said, and pay attention, they said أَوْ جَآءَ أَحَدٌ مِّنكُم مِّنَ ٱلْغَآئِطِ — if one of you defecates. The Hadīth (Hadīth Safwān) mentions defecation and urinating, they said the Āyah and the Hadīth, the terminology in them, considered the discharge itself, not where it's discharged from. And as it pertains to urine, they tagged it along with discharge of feces by analogy, by Qiyās. So they said, additionally to that, that discharge of urine and feces from other than the private parts is similar to the discharge from the private parts in every way, so there is no meaning in distinguishing between the two.

- The second opinion is the opinion of the Mālikiyyah and the correct opinion selected within the Shāfi'īyyah Madhhab and its somewhat detailed. This should be written down, and you need to focus while you're writing. They said, if the regular private parts are not sealed, they're functioning, then whatever is discharged of feces and urine doesn't nullify the Wudū'.

  What about if the private parts are sealed, for some medical reason? They said, if they're sealed, if the exit of the urine or feces, the hole they make is above the stomach belly area, it doesn't nullify the Wudū'. If it's under the belly stomach area, it nullifies the Wudū'. And they said that that's only when it's temporary. If it's a temporary type of illness, that applies.

What if it's a permanent medical issue, someone born like that or they're going to live like that for the rest of their life? They said if its permanent, discharge of stool and urine voids Wudū', whether it (the hole) is above or below the stomach — whether its above or below the belly area. The reason they make the distinction pertaining to the exit hole being above or below the stomach, if it's temporary, they compared the opening under the stomach to waste exiting from the private parts and they gave it that ruling — that it nullifies the Wudū'. When the opening is above the belly area, they compared it to vomiting and burping and they gave it that ruling which doesn't nullify the Wudū'.

And the Rājih, like we said, is the first opinion.

II. The second Mas'alah, somewhat more complex, is the ruling on what exits or is discharged from other than the private parts, like blood and vomit. And the reason we didn't include that in the first Mas'alah is because we mentioned, in the first Mas'alah, what's by Ijmā' Najis. Blood and vomit being Najis or not is disputed, and this is not the section right now to talk about the Mas'alah in full detail. That's usually placed by Fuqahā' under Najasāt, the section of Najasāt. What we're concerned about here is does it nullify the Wudū'? Someone vomited, someone had a nosebleed, someone was wounded or had a burn and there is a discharge of pus from that wound.

- The first opinion by Hanafiyyah and Hanābilah is that it voids Wudū'. Hanābilah required Wudū' from vomit or blood, for example, if it's a big

amount they said, a Fāhish amount. What's that Fāhish amount, that large amount? They, within the Madhhab, disputed what that Fāhish amount is. Al-Khallāl in Al-Insāf said it's what an average, normal individual judges for himself to be a nullifier of Wudū'. The person — sane person without Waswasa — judges that this amount nullifies the Wudū'. Some went to 'Urf to define it. Some said it's a handspan by a handspan. Some said, for Qay', for example, they went to Lisān Al-'Arab — what's Qay' (vomiting)? And it's what a mouthful or more they said. Some said it's a Dirham Baghli which is a term, a measure, used by Ulamā' to determine a small amount of Najāsah, and our Shaykh Atīyyah رحمه الله تعالى said it's the equivalent of the silver Riyāl that was made during king 'Abdul Azīz's time, which he said is a little bit less than 4 centimeters. All that is Ijtihād.

Generally, in matters like this, pertaining to matters like that, or matters of distance or measure, you first go to the proof to find the amount. If it's not in the proof (the textual proof), you go to something like Lisān Al-'Arab to define it linguistically. If it's not there, you go to 'Urf. Many of the Hanābilah, for example, to see what constitutes Najāsah of blood, they went to 'Urf. For Qay' (vomiting) many of them went to Lisān Al-'Arab and determined it by that. That's the opinion requiring Wudū' from vomit or bleeding. What's their proof?

First of all, they used Hadīth Fātimah Bint Abi Hubaysh رضى الله عنها . We went over it many times. The Messenger (ﷺ) ordered her to do Salāh while she was on Istihādah, and he said it's blood from a vein. They said

that it's blood discharged from the body requiring Wudū', so all blood discharged from the body requires Wudū', because the Prophet (ﷺ) said it's blood from a vein. And we responded to that earlier on in detail. We said the ending of the Hadīth, requiring Wudū' in that Hadīth, is a statement of 'Urwa رضي الله عنه.

Secondly, when the Messenger (ﷺ) said, إِنَّمَا ذَلِكِ عِرْقٌ (blood from a vein), it was not a response to Wudū' being obligated, it was to show that Salāh is obligated. She asked about Salāh, he said إِنَّمَا ذَلِكِ عِرْقٌ. It's a response to the requirement of Salāh not the requirement of Wudū'.

Third of all, we said the issue of blood being Najis or not is disputed. And in summary, the correct opinion is that blood is not Najis. So, if it's established it's not Najis, you can't require one to do Wudū' from what's not Najis. Now if it's Tāhir — if it's not Najis then it's Tāhir, and that's the correct opinion — it takes the ruling of something like sweat and spitting that's discharged from the body.

The second proof they used is Hadīth in Sunan At-Tirmidhi. Hadīth Abi Ad-Dardā'

أَنَّ رَسُولَ اللَّهِ (ﷺ) قَاءَ فَأَفْطَرَ فَتَوَضَّأَ

"That the Messenger (ﷺ) vomited, broke his fast, and then performed Wudū'." قَاءَ فَأَفْطَرَ فَتَوَضَّأَ. They said the Wudū' was because of the vomiting.

And here, first of all, there's issues within the authenticity of that Hadīth, it's a weak Hadīth. That's all that needs to be said pertaining to that Hadīth, but since it's widely used on this matter as proof, we'll elaborate more. And we can take lessons from the responses pertaining to that. Let's say even if it was authentic — it's not authentic — it doesn't require Wudū' from vomiting. Wudū' was from the action of the Messenger (ﷺ) in the Hadīth, not an order. And that doesn't make matters Wājib. He performed Wudū', he didn't order it (ﷺ), as he did in other matters. In Sahīh Bukhāri and Muslim, the Messenger (ﷺ) performed Tayammum before responding to someone who offered him Salām, yet no one considers it a Wājib to perform Wudū' or do Tayammum before responding to someone who gives you Salām. So, the mere act of the Messenger (ﷺ) *alone*, performing Wudū' by itself, even if the Hadīth was authentic, is not an indication that Wudū' from vomiting is a Wājib. And this also, I'll reiterate, is based on the fact that blood and vomiting is Najis, as they say, and that's a disputed issue and the correct opinion is it's not even Najis.

And also, the Hadīth shows that he vomited (ﷺ) and then made Iftār, he broke his fast and then made Wudū'. Vomiting doesn't break the fast, in the correct opinion, unless it's intentional. Here, it's قَاءَ, meaning he didn't intentionally do it. Had it been استقاء it would mean he purposely vomited. The point being it was not intentional, so vomiting unintentionally doesn't break the fast, yet in the Hadīth it says he broke the fast ((ﷺ)). So we can say that the same way it didn't break the fast, yet *he* broke the fast, he

went and made Wudū' when it (the vomiting) doesn't really nullify the Wudū'.

Also, Wudū', in this matter, could have been due to cleanliness, not of nullifying the Wudū' — to freshen up, to clean the mouth and face and nose or the clothes, so you can't declare a nullifier based on that.

So the first Hadīth is Hadīth Fātimah Bint Abi Hubaysh. The second one is this weak Hadīth. Third is several Āthār (statements by Sahābah or their actions), like matters where they made Wudū' from nose-bleeding or vomiting or ordered it. And the most sound one is that which is related in Muwattā Mālik, that Nāfi' said 'Abdullāh Ibn 'Umar رضى الله عنهما would leave and do Wudū' when he had a nose bleed and then return to his Salāh and complete it from where he left off without saying anything. Another one, that's attributed to 'Ali رضي الله عنه in Ad-Dāraqutni, that he said if one of you vomits or has a nose bleed, let him go make Wudū' and then return and complete from where he left off without speaking.

The response to that is, some Ulamā' said that what they did was they went to wash off the blood, and then come back and continue the Salāh. It's Wudū', not the 'Ibādah Wudū', but Wudū' taken linguistically from Wadā'a, which is cleanliness. They went to clean themselves. And they said since it can accept both opinions, both interpretations — the Ibādah Wudū' or the cleanliness interpretation — then it can't be used as proof. But the more correct view is that when Wudū' is mentioned broadly, just

like that, it's the Shar'ī 'Ibādah Wudū'. Sometimes, there may be proof indicate it's something else, and we'll respond to those Āthār in a minute, inshā'Allāh. Because the second, the next opinion also has Āthār to back their opinion as well.

The fourth proof is Qiyās. They said that the Najis that exits from the private parts is a nullifier of Wudū'. So what exits of Najāsah from other than the private parts nullifies the Wudū' as well. So, they looked at what's discharged, regardless of where it's discharged from. The response is, you cannot do Qiyās on what is discharged from the body on that which is discharged from the private parts. Why? Because we said passing of wind from the rectum nullifies Wudū' by Ijmā'. If you do Qiyās on that you're going to end up saying burping voids Wudū'. However, burping which is passing wind from the mouth, doesn't invalidate Wudū' by Ijmā'. That shows Qiyās on what exits the private parts is not a strong Qiyās.

Also, the Najāsah of vomit and blood is not established, even though vomit is considered Najis by the majority of the Ulamā'. Ash-Shawkāni and others correctly said it's not Najis because there is no proof to prove its Najāsah. Likewise, even though the majority state that blood is Najis — An-Nawawi رحمه الله تعالى even stated an Ijmā' on it — it's not really Najis because there is no proof on it, and there's the Hadīth in Musnad Ahmad where a Sahābi in the battle of Ghazwat Dāt Ar-Riqā' was hit with arrows and he took them out and continued in his Salāh, and the Messenger (ﷺ) knew about it and didn't object. And also like in the Hadīth of 'Umar رضى

الله عنه where he made Salāh while bleeding. More importantly, there is no clear, authentic Hadīth indicating that blood is Najis, when it's a common widespread matter. The Messenger (ﷺ) would have informed us about it, and if he informed us about it, it would have reached us. And like I said, it's not the topic here to discuss the Najāsah of blood and vomit, otherwise I would discuss it in detail as I like to do. But it's not the timing for it as the book is organized in a certain way.

- Second opinion, and the Rājih, is the opinion of Mālikiyyah, Shāfi'īyyah, and it's what Ibn Taymiyyah and Adh-Dhāhiriyyah chose, it's one of the two opinions of Hanābilah. It's that vomit and blood that's discharged from other than the private parts doesn't nullify the Wudū'.

  Their strongest proof on that is that there is no proof to prove that it's a nullifier of Wudū'. The origin in matters like this is that they don't void the Wudū'. In order to allege they void the Wudū', you need clear, authentic proof from the Qur'ān or Sunnah or Ijmā' that require Wudū' from such matters. A person's Tahārah has been established and it continues on. In order to allege it's nullified for any reason, bring us the proof. It's by Ijmā' that the one who made Wudū' is a Tāhir and is on Tahārah, he's pure. They dispute that that Tahārah based on nose bleeding, or bleeding in general, or vomiting, or Hijāmah, and other matters. It's not correct to void and nullify that Tahārah that was established by solid, clear proof like Ijmā', except by an Ijmā' like it or a verse or a Hadīth from the Messenger (ﷺ).

And just like there was Āthār indicating that bleeding and vomiting may nullify Wudū' by the Salaf, there's also some that indicate otherwise. There's an Athar by Bakr Ibn 'Abdullāh Al-Muzani. He said, I saw Ibn 'Umar رضي الله عنهما pop a pimple on his face and some blood came out. He wiped it in between his two fingers, and he made Salāh without going to make Wudū'. It appears that the Āthār on this matter, some go with the first opinion, some go with the second opinion, some you can go back and forth with arguments pertaining to them. There's an Athar by 'Abdullāh Ibn Abi 'Awfa that he split blood and he made Salāh without going to make Wudū'. There is also narrations that Abu Hurayrah and Jābir رضي الله عنهم put their fingers in their noses and bled and made Salāh without making Wudhu.

Some of these Āthār are conflicting, some go with the first opinion some with the second opinion, and like I said, some may have an explanation, like the Athar by 'Ali رضي الله عنه, that he said if one of you has a nosebleed or vomits then he should go make Wudū' and not speak and then return and continue in his Salāh. An Athar like that could be explained by saying if they considered vomit and blood a nullifier of Salāh, then going back and continuing after you made Wudū' from where you left off in Salāh is not sufficient, you have to start all over again. Someone who nullified his Salāh in the second Rak'ah by passing wind has to go and make Wudū' and start all over again. So why does one who vomits or bleeds get to go make Wudū' and come back and continue where he left off from, as the Athar

of 'Ali رضي الله عنه says? That's an explanation. That may indicate in a way that they didn't actually consider it a nullifier, otherwise he would have required them to start all over again.

The bottom line about the Āthār is they appear to be conflicting on this matter, or some of them have various interpretations, so we go back to the origin that there is no clear proof on these matters negating Wudū'. Had the Salaf been in agreement, or we don't know of any dispute, like matters that we took in this Fiqh class, where a Sahābi did something, and many saw it or knew of it and didn't say anything. But because of the conflicting Āthār, or their interpretation and explanation, we go to the origin that there is no clear proof on this matter negating Wudū'.

The opposing opinion, the Hanābilah (the first opinion), where they said you must make Wudū', they did have an explanation about some of the Āthār of the Sahābah that didn't made Wudū' from bleeding. They said, we said what nullifies Wudū' has to have two conditions — the first condition is the matter discharged has to be Najis like, vomit and blood, and they considered vomit and blood Najis. The second we said, is that it's Fāhish. Fāhish means a large quantity, and we said early on that they disputed what that large quantity is. They said these Āthār you're mentioning, where they didn't make Wudū', appeared to be minor discharges (يسير — which is a small quantity). We said it's Fāhish (a large amount) that nullifies the Wudū'. Like they said, the Athar of Ibn 'Umar ضي الله عنهما popping a pimple and blood discharging from it. They said that's extremely minor

bleeding and it doesn't invalidate the Wudū', and of course they disputed among themselves what is minor and major in nullifying the Wudū' of blood and vomit.

The rebuttal against them is that blood and vomit are not Najis, first of all. Second of all, if what's discharged is Najis, as you claim, and it causes a Hadath (meaning you have to go and make Wudū'), then you can't differentiate between minor and major discharges. There would be no difference in a little amount or a large quantity. Just like there is no difference in a little or large amount of urine or feces.

And then their final proof, for the group that doesn't consider vomiting and bleeding a nullifier, is some weak Ahādīth that *clearly* mention that, but we don't need to mention that because they are weak.

Ar-Rājih

The Rājih is that blood, vomit, mucus, breath, burping, tearing of the eye, blowing of the nose, spitting, ear wax, pus that's discharged from wounds or burns — all that and what's like that, discharged from the body not from the private parts, does not nullify the Wudū' whether it's a large amount or a small amount. Simply put, there is no clear, solid, authentic, direct proof to indicate so, and matters like these need proof to state that they're nullifiers.

Don't confuse the Masā'il we took today with the previous ones. This is discharge from other than the private parts. Last week we took from the private parts.

وصلى الله على سيدنا محمد وعلى آله وصحبه وسلم